

Approved as Written: 3/6/02

**CITY OF MORGAN HILL
SPECIAL AND REGULAR CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - FEBRUARY 20, 2002**

CALL TO ORDER

Mayor Pro Tempore/Agency Member Carr called the meeting to order at 6:05 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Sellers, Tate
Late: Council/Agency Member Chang (arrived at 7:08 p.m.) and Mayor/Chairman Kennedy (arrived at 8:05 p.m.)

DECLARATION OF POSTING OF AGENDA

Office Assistant II Malone certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2

City Council Action

CLOSED SESSIONS:

City Attorney/Agency Counsel Leichter announced the closed session items, indicating that Closed Session No. 1 would not be called this evening as there was no new information to report.

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

City Council and Redevelopment Agency Action

2.

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: USDC Northern California No. C01-20857 RMW
Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: Lot 28 of Catherine Dunne Ranch, Map No. 7 located at 1250 Barrett Avenue (APN 817-13-017)
Negotiating Parties:
 For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
 For Property Owners: Virginia Lomanto Trustee
Closed Session Topic: Acquisition of Real Property

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.
Case No: C 01-20976 PVT, United States District Court, Northern District of California
Attendees: City Council, City Manager, City Attorney

5.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: APNs 773-06-008 & 009, 905 West Main Avenue, 24.54 acres
Negotiating Parties:
 For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
 For Property Owners: Virginia Acton 1993 Trust
Closed Session Topic: Acquisition of Real Property

6.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: 8.65 acre parcel located approximately 431± feet north of Dunne Avenue, between Condit Road and Highway 101 (APN 728-17-019)
Negotiating Parties:
 For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
 For Property Owners: Horizon Land Inc.
Closed Session Topic: Acquisition of Real Property

7.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Cases (3): Santa Teresa Citizen Action Group et al. v. Environmental Appeals Board of the United States EPA; Santa Teresa Citizens Action Group et al. v. California Energy Commission; Santa Teresa Citizens Action Group et al. v. California Energy Commission;
Case No/Court (3): Ninth Circuit Court of Appeals, No. 01-71611; Sacramento County Superior Court Civil

No. 01 CS 01830; California Supreme Court Case No. S 103019
Attendees: City Manager, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Pro Tempore/Agency Member Carr opened the closed session items to public comments. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Pro Tempore/Agency Member Carr adjourned the meeting to closed session at 6:07 p.m.

RECONVENE

Mayor Pro Tempore/Agency Member Carr reconvened the meeting at 7:02 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor Pro Tempore/Agency Member Carr announced that no reportable action was taken on the closed session items and that the City Council/Agency Commission would reconvene to closed session at the conclusion of the meeting.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore/Agency Member Carr led the Pledge of Allegiance.

CITY COUNCIL REPORT

Council Member Sellers reported on: 1) the Valley Transportation Authority (VTA) Caltrain Policy Advisory Committee. This Committee focuses on Caltrain services and improvements. He said that Caltrain service is popular and important to Morgan Hill, south county residents and that it has a regional draw from points further south. He stated that the service is restricted as there is only one line coming through the area, noting that Union Pacific needs to use the line for their freight service as well. He said that freight service has become a back up in case other transportation services are rendered ineffective. He said that this is a big and difficult issue because Union Pacific has had significant rights for 150 years and that they are not inclined to give up these rights. The Policy Advisory Committee realized that this is not only a local and regional issue but a state and national issue. The Committee called on members of the Congress and recently met with Congressman Mike Honda regarding this issue. He stated that negotiations are underway in association with the

Department of Transportation. It is a goal to get a second line through this region, allowing dedicated service. The Committee is excited about the possibility, indicating that there is not a lot of interest by Union Pacific in doing this. However, the Committee feels that this is a critical issue and would gain the support needed. 2) He indicated that the City Council decided, some time ago, to dedicate a small portion of funding to a Community Foundation which would be a separate, non profit organization that would collect funds throughout the community for various projects. He stated that the interim board is seeking individuals willing to serve as permanent board members. He invited eligible members of the community to apply for the permanent board.

Council Member Chang entered and was seated

CITY MANAGER'S REPORT

City Manager Tewes reported on the State's budget, indicating that approximately 20% of the City's general fund revenue sources that are directly controlled by state legislation. He said that the City has to remain mindful that the State's budget struggles have local impacts. He noted that the General Fund supports fire, police and parks & recreation services in the community. He alerted the Council and the community that today, legislative analysts have presented their analysis of the Governor's proposed budget, and that although they have some specific concerns about the manner in which the governor proposed to balance the budget, they indicate that the Governor has fallen short by \$5 billion and that the budget shortfall may have a local impact.

CITY ATTORNEY'S REPORT

City Attorney Leichter indicated that she did not have a City Attorney's report to present this evening.

CERTIFICATE OF RECOGNITION

Mayor Pro Tempore Carr presented Ida Robinson with a Certificate of Recognition on the occasion of her 99th birthday.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to comments for items not appearing on this evening's agenda. Linda Hartman, 120 Berkshire, stated that she is planning to speak before the City Council next week against the AM/PM mini mart. She thanked Council Member Tate and Mayor Kennedy for attending a neighborhood meeting held last Saturday, showing a human side to the City Council. She further thanked the City Council for recognizing her adopted grandmother as it meant a lot to Ms. Robinson. No other comments were offered.

City Council Action

CONSENT CALENDAR:

Mayor Pro Tempore Carr requestd that agenda item 4 be removed from the consent calendar.

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council, on a 4-0 vote with Mayor Kennedy absent, **approved** Consent Calendar Items 1-3 and 5-8 as follows:*

1. **MONTHLY 2002 FINANCE AND INVESTMENT REPORT**

Action: ***Accepted** and **Filed** Report.*

2. **ACCEPTANCE OF FISCAL YEAR 2001-2002 WORKPLAN UPDATE**

Action: ***Accepted** FY 2001-02 Workplan Update Report.*

3. **APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH HARRIS AND ASSOCIATES FOR DESIGN AND CONSTRUCTION MANAGEMENT/INSPECTION OF THE 2001-02 PAVEMENT REHABILITATION PROGRAM**

Action: ***Approved** Proposal and **Authorized** the City Manager to Execute an Amendment to the Professional Services Agreement with Harris and Associates for the Design, Construction Management and Inspection of the 2001-02 Pavement Rehabilitation Program from \$96,150 to \$116,860.*

5. **COMMUNITY AND CULTURAL CENTER PROJECT JANUARY CONSTRUCTION PROGRESS REPORT**

Action: ***Information Only.***

6. **APPROVAL OF SUPPLEMENTAL IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P. - DIGITAL DRIVE**

Action: *1) **Appropriated** \$310,179 from the Current Year Unappropriated Traffic Impact Fee Fund for This Reimbursement; and 2) **Authorized** City Manager to Sign Supplemental Improvement Agreement for the Reconstruction of the Cochrane Road and Sutter Boulevard Intersection.*

7. **SUBDIVISION APPLICATION SD-01-07: SUNNYSIDE-SOUTH VALLEY DEVELOPERS**

Action: ***Took No Action**, thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.*

8. MID-YEAR 2001/02 BUDGET REVIEW

Action: Approved Proposed Mid-year Budget Adjustments for 2001/02.

City Council & Redevelopment Agency Action

Action: On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Tate, the City Council/Agency Commission, on a 4-0 vote with Mayor/Chairman Kennedy absent, approved Consent Calendar Items 9 and 10 as follows:

9. SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 30, 2002

Action: Approved the Minutes as submitted.

10. SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 6, 2002

Action: Approved the Minutes as submitted.

City Council Action

4. AWARD OF CONTRACT FOR MONTEREY/KEYSTONE SEWER AND WATER REPLACEMENT PROJECT

Mayor Pro Tempore Carr noted that this project is scheduled to start in March and would be completed by June. He said that it was unclear how much construction is to take place on Monterey Road. If this is to be a significant amount of work, he inquired if there was a plan for letting commuters know about how this would possibly affect their commute?

Director of Public Works Ashcraft stated that staff would do all that it can to alert motorists about the construction on Monterey Road. He stated that the contract contains conditions that state that the contractor cannot close travel lanes during peak hours. Therefore, work is to be conducted after peak hours, notice given, and that a flag man be made available, keeping one lane open in each direction at all times. He felt that staff has taken the steps necessary to minimize the impacts to commute traffic.

Action: On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Mayor Kennedy absent, Awarded Contract to Monterey Peninsula Engineering (MPE Engineering) for the Construction of the Monterey/Keystone Sewer and Water Replacement Project in the Amount of \$275,910, Subject to City Attorney Review and Approval.

Council Member Tate announced that updates to the work progress on the Community and Cultural Center can be found on the City's web page.

OTHER BUSINESS

12. PROCESS FOR APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Council Services and Records Manager Torrez presented the staff report.

Council Member Sellers felt that the system of having a subcommittee works well and that it affords the opportunity to go into greater details with the applicants and not subject potential commissioners to an onerous process of standing before the Council. He felt that a subcommittee creates a better atmosphere and better commissioners. He supported, as much as possible, having a pre screening of applicants by a subcommittee with the exception of the Planning Commission and possibly the Architectural Review Board (ARB).

Council Member Chang concurred with the comments expressed by Council Member Sellers.

Mayor Pro Tempore Carr did not believe that the City Council should separate one board or subcommittee from the others.

Council Member Sellers stated that he supported an interview of Planning Commission applicants by the entire City Council because it is a much higher profile commission, noting that their meetings are televised and the commitments of these individuals are greater. Also, this is the only commission that, on a regular basis, refers matters to the City Council for its consideration. Therefore, he felt that every member of the City Council would want to have direct involvement and have the opportunity to interview applicants. However, all other boards, commissions and committees could be by committee appointment.

Council Member Tate felt that in order to get into a detailed conversation and interaction with perspective planning commissioners and ARB members, it would be good to have a subcommittee of Council Members who would interview applicants. However, he agreed with Council Member Sellers that final appointments should be conducted by the entire council. He felt that the City Council may wish to ask final questions of perspective applicants prior to appointment.

Mayor Pro Tempore Carr noted that when the City Council set up the first subcommittees, the idea was to provide an informal setting as it was felt that applicants would be discouraged from interviewing in a formal setting. He noted that the entire City Council interviewed applicants to the Planning Commission and ARB in a workshop setting, similar to a subcommittee setting. He indicated that a subcommittee returned to the City Council recommending that an applicant, who

submitted an application for the ARB, be considered for the Planning Commission. He felt that there was an advantage to the entire City Council interviewing the different applicants to be able to make appointments based on the applicant's qualifications and expertise to a particular board, commission or committee. He recommended that the entire Council interview all applicants in a workshop setting. He stated that last year, the City Council tried to set up a time period to make appointments at one time and consolidate appointments. He recommended that all terms begin at the same time so that the Council can spend time interviewing candidates for all expired seats.

Council Member Chang noted that there was a time that the Council interviewed all applicants.

Council Member Tate concurred that subcommittees were appointed when additional committees were established. He stated that the Council was concerned that it was losing good applicants because they did not like having to address the City Council at the dias during the interview process. He felt that a formal interview before the City Council may have been intimidating to some good candidates.

Council Member Sellers stated that it appears that the Council supports interviewing all boards, committees and commissions by the full Council on the same evening, making a preliminary decision that evening and finalizing appointments, if needed, at a subsequent meeting. He recommended that the ARB and Planning Commission be interviewed on a separate night as a separate group.

Mayor Pro Tempore Carr recommended that the City Council come up with what month(s) the appointments should start and end. He recommended that appointments that expire in March be extended to June with the exception of the Planning Commission whose terms expire in May.

Council Member Sellers deferred the decision as to when terms are to coincide to the City Clerk, identifying the parameters.

Mayor Pro Tempore Carr requested that the City Clerk return with a recommendation as to how the Council can identify the terms for appointment.

Action: *It was the consensus of the City Council to **interview** applicants to boards, committees and commissions in a workshop setting and **directed** the City Clerk to return with a recommendation regarding terms for the various boards, commissions and committees.*

City Council & Redevelopment Agency Action

SECOND READING OF ORDINANCE:

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council **Adopted** Ordinance No. 1547, New Series as follows:*

13. ADOPT ORDINANCE NO. 1547 NEW SERIES

An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment to a Precise Development Plan for an 18-unit Single-family Project on a 11.51 Acre Site Located on the North Side of East Central Avenue, East of Calle Mazatan Avenue (APNs 726-27-04 and 05) by the following roll call vote: AYES: Carr, Chang, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Kennedy.

PUBLIC HEARINGS:

11. ZONING APPLICATION, ZA-01-13: SUNNYSIDE-SOUTH VALLEY DEVELOPERS

Director of Community Development Bischoff presented the staff report and indicated that in the Planning Commission's review of this project, the most significant issue discussed was circulation. He addressed the project's proposed circulation, as recommended by the Planning Commission. He stated that the Planning Commission felt that Alternative 1 would lessen the impacts to surrounding neighborhoods, allow for the future signalization of LaRocca and Sycamore; and that making the connection to Sunnyside from another street would have a greater adverse impact to the proposed development. He said that the issue to be discussed this evening is whether or not LaRocca Drive should extend straight through or whether another alternative would be more appropriate. He informed the City Council that there are individuals in attendance who would be speaking in opposition to the Commission's recommendation of the straight connection, preferring an offset connection in order to discourage traffic from getting into the neighborhood to the east. He indicated that the Planning Commission and staff would recommend the Alternative 1 circulation pattern.

Council Member Sellers inquired whether there had been discussions subsequent to the Planning Commission meeting with the neighbors and whether there were other alternative circulation patterns explored? Mr. Bischoff responded that he was not aware if other alternatives being explored other than the two presented this evening.

Council Member Tate stated that it appears that the alternative approach would make the intersection to the east side approximately half way between Watsonville Road and Sycamore Avenue. It now appears that the recommendation is to move the intersection further to the north instead of having the road half way. He inquired as to the rationale for this proposal?

Director of Public Works Ashcraft indicated that when staff first reviewed the project, staff preferred the second street southerly of LaRocca. Staff felt that circulation would be better served if LaRocca extends to Sunnyside Avenue. He noted that traffic volumes and speeds would be reduced on LaRocca should the Council approve alternative 2 from a traffic calming point of view.

Mayor Pro Tempore Carr opened the public hearing.

Scott Schilling, South Valley Developers, indicated that he has held several meetings and several conversations with Steve Johnson who resides in the existing neighborhood to the east of the Quail Creek project. He noted that the Sycamore Drive area would remain undeveloped for many years and that there would be several options with future development in terms of road layouts. He agreed that neither alternatives would affect how Santa Teresa Boulevard would be signalized in the future. He stated his support of alternative 2 as it gives a nice entry into the project and would eliminate the issue raised by the Hamilton Square neighborhood by slowing traffic down and making it difficult to use LaRocca as a thoroughfare to Watsonville Road. He requested that the City Council consider alternative 2 for the project as part of the zoning application.

Council Member Sellers noted that a reference made by staff is that option 2 would place a road next to a park and would result in higher traffic, impacting individuals who want to use the park.

Mr. Schilling indicated that from a safety standpoint, a wrought iron fence would be installed based on the proposed meandering walkway along Sunnyside. He felt that in many instances, people entering a project and see a park with fencing may slow down. He stated that he would relocate the tot lot and the basketball court area should the alternate connection to Sunnyside be approved.

Steve Johnson, 15360 LaRocca Drive, stated that he has been working with staff and the applicant for the past 10 months to come up with a solution that makes sense. He said that it appears that there is a reasonable solution that is 100% supported by the developer and the community and has been found to be technically viable by public works staff. He requested that the Council support the neighborhood and not extend LaRocca Drive. Should LaRocca be extended to Sunnyside Avenue, he felt that it would create a fast in and out traffic flow through the neighborhood. He stated that a speeding issue already exists and that it would not get better with long straight ways. He recognized the issues relating to the park and felt that the developer would go to some lengths to resolve the issues. He noted that an existing park is in use and that there are issues associated with it as well. He indicated that he spent time, individually, with each council member on the phone and felt that the Council are well aware of the issues.

Scott Clifford, 15815 Monticello Way (Hamilton Square development), stated that he likes the neighborhood because it offers paths of resistance so that there are no shortcuts through neighborhoods and that he would like to see this continue throughout the neighborhood. He expressed concern with the safety of the children, noting that speeding issues exist. He requested

that a circulation pattern be approved that would mitigate traffic concerns and protect children's safety in the park and keep traffic speeds down.

Kathy West, 15355 LaRocca Drive, stated her opposition to the LaRocca extension due to the safety of the children, noting that the existing park is not fenced.

Syd Garrett, 15209 Monticello Way, stated that he envisions cars cutting through the neighborhood to take the path of least resistance to access Watsonville Road should LaRocca be extended. He indicated that excessive traffic and speeding already occurs in the neighborhood and that it would further exacerbate the problem should LaRocca be extended. He requested that the Council not extend LaRocca and that it approve the alternate 2 extension.

Susan Soult, 15320 LaRocca Drive, noted that the installation of a traffic signal is not proposed for 20 years. She anticipates that the current traffic and the traffic from the new subdivision would be cutting through to get to the local schools, parks and the shopping centers. She opposed the extension of LaRocca Drive.

Scott Wrede, 15161 Monticello Way, supported the plans as proposed by the applicant with the stipulation that the Alternative 2 circulation plan be incorporated. He stated that extending LaRocca would create a shortcut through a residential neighborhood from Watsonville Road to Sunnyside by individuals wishing to avoid the Watsonville/Sunnyside intersection. He said that Alternative 2 is supported by the Hamilton Square homeowners and the developer because it preserves both neighborhoods, the quality of life, property values and safety. He noted that the new neighborhood would still have exists to both Watsonville Road and Sunnyside.

Jeff Roth, 15150 LaRocca Court, stated that his traffic pattern experience is through La Alameda or Via Corfino to Watsonville Road or through the other part of the neighborhood to Sunnyside Avenue. He expressed concern with increased traffic, speed patterns and the safety of neighborhood children. He requested that the Council give consideration to the alternate proposal.

Suzanne Root, 15280 LaRocca Drive, stated that she purchased her home prior to the construction of Hamilton Square. She said that making a connection to Sunnyside through LaRocca would increase the existing traffic problem. She requested the approval of Alternative 2.

Mayor Kennedy entered and took his seat on the dias.

Bill West, 15355 LaRocca Drive, felt that the Planning Commission made a mistake as they focused on the neighborhood that would be built and not the existing neighborhoods. He said that people driving by a few extra homes in the new development and reducing a lot of speed and volume with the alternative plan would be easily approved by the builder. He noted that the public works department does not have a strong stand one way or the other. He felt that when you outweigh the

volume and speed issues against the accessibility issue, he said that volume and speed overall wins. He stated that he was not interested in a signal light being installed 20 years from now when his grandchildren are playing but that he is interested in his children that are playing today. He requested that the City Council consider alternative 2.

Janet Figueroa, Sunnyside resident, stated that she did not support new roads onto Sunnyside until such time that Santa Teresa Boulevard is built. She did not see how a traffic signal light could be installed close to another signal light at Watsonville Road. She indicated that signalization of LaRocca and Sunnyside was not raised during the General Plan update as it would be an issue that she would have addressed at the time. She felt that connecting LaRocca and Sycamore together only benefit the residents on LaRocca, noting that there was no benefit to the individuals residing to the west. She stated that vehicles are speeding in front of her home and requested that something be done about Sunnyside before allowing additional traffic. She further requested traffic be directed toward Watsonville Road and onto Monterey Road, avoiding Sunnyside until plans have been made to take care of the street. She inquired whether the developers were contributing toward the expansion of Sunnyside? She asked if a sound wall is proposed as part of the project as the General Plan requires installation of sound walls along Sunnyside.

Jim Garza, 15131 Monticello Way, concurred with the comments expressed by area neighbors. He stated that Sunnyside and Watsonville Road are backed up to Edmundson during the a.m. and p.m. commute hours. If LaRocca is opened up all the way through, LaRocca would easily become a thoroughfare to Watsonville Road, increasing speed and hazard to area children playing at the park at Via Corfino, noting that it is not protected by fencing.

Ray Garza, 15191 Monticello Way, stated that each morning he awakes to more traffic at Sunnyside and Watsonville Road. Should the Council approve the extension of LaRocca, it would allow commute traffic to cut through Watsonville Road. It is felt that a lot of consideration has been given to the proposed neighborhood but not the existing neighborhoods. He indicated that many children play in the neighborhood and that opening LaRocca may result in potential accidents.

Tom Ansbrosio, LaRocca Court, indicated that he moved away from San Jose to get away from congestion and that he was attracted by the lifestyle of the neighborhood. He stated that he concurred with the comments expressed by area residents. He indicated that his wife was concerned about individuals cutting through on LaRocca Court when they moved into the neighborhood thinking it was a through street to Watsonville Road. He stated that a sign was installed at Alamo indicating "No through Street" to try and alert individuals that it is not a through street. He said that the sign does not stop individuals coming through LaRocca Court. If LaRocca is allowed to go through to Sunnyside, he felt the City would be placing the children in the neighborhood in more danger as they play in the neighborhood.

No further comments being offered, the public hearing was closed.

Council Member Sellers stated that he knows the area well and that it made sense to have a road go straight through. However, he felt that times have changed since roads were laid out in straight lines. He said that it gets more difficult to build liveable communities when you have excessive speeds, an issue of concern in most areas. He did not believe that the Council would be eliminating alternatives in connecting a road to Sycamore 20-25 years from now and that the Council would be ensuring that traffic moves slower for the next two decades. It was his belief that the alternative made sense given all these factors. He appreciated that the neighbors did not insist that a road not connect to Sunnyside as a circulation issue exists and that there would be additional traffic going through the neighborhoods, at heightened speeds in some areas. He did not believe that this would diminish the quality of life significantly and accommodates this development, filling in this section of town.

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **Approved** the Mitigated Negative Declaration.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **Waived** the Reading in Full of the Residential Planned Development (RPD) Ordinance No. 1548, New Serious.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council **Introduced** Ordinance No. 1548, New Series by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A PRECISE DEVELOPMENT PLAN FOR A 54-UNIT R-1 (7,000/RPD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT) LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF SUNNYSIDE AVENUE AND WATSONVILLE ROAD, approving Alternate Exhibit 2 by the following roll call vote: AYES: Carr, Chang, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

CLOSED SESSION (continued)

City Attorney/Agency Council Leichter announced that the City Council would continue with the closed sessions as stated above as well as the closed session item listed in the special meeting agenda called at 6:30 p.m.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the closed session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 8:18 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 9:23 p.m.

CLOSED SESSION ANNOUNCEMENT

Mayor/Chairman Kennedy announced that no reportable action was taken on the closed session items.

ADJOURNMENT

There being no further business, Mayor Kennedy adjourned the meeting at 9:24 p.m.

MINUTES RECORDED AND PREPARED BY:

Irma Torrez, City Clerk/Agency Secretary